IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Crl.Rev.Pet.No. 1775 of 2003(C)

CRA.230/1999 of ADDL.SESSIONS COURT (SPL.COURT), KOTTAYAM
CC.265/1997 of JUDL.MAGISTRATE OF FIRST CLASS-I, KANJIRAPPALLY

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REVN. PETITIONER: APPELLANT/ACCUSED:

ANIL @ ANI, S/O. ISMAIL,
THANNAMMACKEL HOUSE, NEAR PETTA HIGH SCHOOL,
KANJIRAPPALLY, KOTTAYAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.TONY MATHEW

RESPONDENTS: RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.1775 of 2003

Dated this the 19th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 304(A) IPC and sentenced to undergo simple imprisonment for three months for the offence under Section 279 IPC and to undergo simple imprisonment for six months for the offence under Section 304(A) IPC.

2. The prosecution case is that on 2.2.1997 at about 7.30 p.m. the accused being the driver of car bearing registration No.KLB2948 drove the same in a rash and negligent manner so as to endanger human life through K.K. road and knocked down a pedestrian who subsequently succumbed to the injuries sustained.

3. The counsel for the revision petitioner has only sought for modification of the sentence. He submitted that more than 10 years have elapsed since the commencement of the proceedings and that the accused was facing the criminal proceedings so long. It is submitted that the sole means of

livelihood of his family is the income of the revision petitioner.

4. In the circumstances, considering the long lapse of time, the sentence imposed for the offence under Section 304A IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. The sentence imposed for the offence under Section 279 IPC is modified to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for two weeks. The revision petitioner is granted two months' time to pay the amount of compensation and the fine amount.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl